

**House File 2361 - Introduced**

HOUSE FILE 2361

BY HALL

**A BILL FOR**

1 An Act relating to state and school antiharassment and  
2 antibullying policies, providing for training for school  
3 personnel, establishing a bullying and violence prevention  
4 student mentoring pilot program, and providing for a school  
5 climate and bullying prevention work group.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.9, Code 2018, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 60. Subject to an appropriation of funds by  
4 the general assembly, ensure each school district has access to  
5 adequate training on conducting investigations of complaints of  
6 incidents of harassment or bullying pursuant to section 280.28  
7 by offering such training on an annual basis to at least one  
8 employee per district.

9 Sec. 2. NEW SECTION. **256.25 Bullying and violence**  
10 **prevention student mentoring pilot program.**

11 1. Subject to an appropriation of funds by the general  
12 assembly, the department shall establish a student mentoring  
13 pilot program to explore how student leadership can help  
14 prevent bullying and violence in schools. The program shall  
15 promote best practices for bullying and violence prevention for  
16 middle and high school students.

17 2. The department shall establish the program in at least  
18 two middle schools and two high schools in the state. The  
19 selected schools shall include both urban and rural schools.

20 3. The department shall establish criteria for the  
21 selection of participating schools and evaluation of the  
22 program.

23 Sec. 3. Section 280.28, subsection 2, paragraphs a and c,  
24 Code 2018, are amended to read as follows:

25 a. *“Electronic”* means any communication involving the  
26 transmission of information by wire, radio, optical cable,  
27 electromagnetic, or other similar means. *“Electronic”* includes  
28 but is not limited to communication via electronic mail,  
29 internet-based communications including social networking  
30 sites, pager service, cell phones, and electronic text  
31 messaging, or any other electronic communication site, device,  
32 or means.

33 c. *“Trait or characteristic of the student”* includes but  
34 is not limited to age, color, creed, national origin, race,  
35 religion, marital status, sex, sexual orientation, gender

1 identity, physical attributes, physical or mental ability or  
2 disability, ancestry, political party preference, political  
3 belief, socioeconomic status, ~~or~~ familial status, behavior, or  
4 any other distinguishing characteristic. This paragraph shall  
5 be construed broadly to achieve the purposes of this section.

6 Sec. 4. Section 280.28, subsection 3, Code 2018, is amended  
7 by adding the following new paragraph:

8 NEW PARAGRAPH. *h.* A procedure for the notification as  
9 soon as practicable of the parents or guardians of the alleged  
10 targeted students and perpetrators in a reported incident  
11 of harassment or bullying. The procedure shall include an  
12 exception to the notification requirement if a school official  
13 or a student whose parent or guardian would otherwise be  
14 notified reasonably believes notification would subject the  
15 student to rejection, abuse, or neglect.

16 Sec. 5. Section 280.28, Code 2018, is amended by adding the  
17 following new subsections:

18 NEW SUBSECTION. 9. *Authority off school grounds.*

19 *a.* A school official may investigate and impose school  
20 discipline in a founded case of harassment or bullying that  
21 occurs outside of school, off of school property, or away from  
22 a school function or school-sponsored activity if all of the  
23 following apply:

24 (1) An incident of harassment or bullying is reported  
25 pursuant to the school's policy adopted under subsection 3,  
26 paragraph "e".

27 (2) The alleged incident of harassment or bullying has  
28 an effect on a student on school grounds that creates an  
29 objectively hostile school environment that meets one or more  
30 of the conditions set out under subsection 2, paragraph "b".

31 *b.* A school official's investigation and response to an  
32 alleged incident of bullying or harassment that occurs outside  
33 of school, off of school property, or away from a school  
34 function or school-sponsored activity may include referring  
35 the matter to appropriate community-based agencies including

1 but not limited to social services agencies, law enforcement  
2 agencies, and nonprofit organizations.

3 NEW SUBSECTION. 10. *Rule of construction.* This section  
4 shall not be construed to diminish a school administrator's  
5 discretion to impose discipline or take other action in the  
6 case of an unfounded incident of harassment or bullying if a  
7 student's behavior otherwise constitutes student misconduct  
8 based on other grounds.

9 Sec. 6. SCHOOL CLIMATE AND BULLYING PREVENTION WORK GROUP.

10 1. The department of education shall convene a  
11 public-private work group of representatives of state and local  
12 agencies, citizens, community groups, and organizations who  
13 have experience and expertise in the areas of antibullying  
14 education, research, and training. The work group, after  
15 reviewing existing research, data, and strategies, shall  
16 provide recommendations to the department regarding best  
17 practices, training, resources, additional research needs,  
18 data collection, changes to state law and administrative  
19 rules, and any other matters to enhance statewide school  
20 climate improvement and bullying prevention, awareness, and  
21 intervention.

22 2. The membership of the work group shall include but not  
23 be limited to the following, to be appointed by the director  
24 of the department of education:

25 a. At least three Iowans who are experts in research-based  
26 antibullying curricula or programs.

27 b. A public or nonpublic high school student.

28 c. A parent of a student enrolled in a public elementary or  
29 secondary school on a full-time basis.

30 d. A parent of a student enrolled in a nonpublic elementary  
31 or secondary school on a full-time basis.

32 e. A member from nominees submitted by the school  
33 administrators of Iowa.

34 f. A member from nominees submitted by the Iowa association  
35 of school boards.

1 g. A member from nominees submitted by the Iowa state  
2 education association.

3 h. Representatives from any organizations representing  
4 other relevant public or nonpublic school professionals.

5 i. A representative from a statewide organization that  
6 provides research-based training on bullying for school  
7 professionals.

8 j. A representative from at least one statewide  
9 organization with at least five years' experience in advocating  
10 on bullying prevention based on research-based best practices.

11 k. A representative for children placed in foster care.

12 l. A representative of school counselors.

13 m. A member from nominees submitted by the Iowa parent  
14 teacher association.

15 3. When making appointments to the work group, the director  
16 shall ensure that public, nonpublic, urban, and rural schools  
17 are adequately represented by the membership of the work group.

18 4. The work group shall also include two ex officio members  
19 of each house of the general assembly. One member each shall  
20 be selected by the majority leader of the senate and by the  
21 minority leader of the senate, and one member each shall be  
22 selected by the speaker of the house of representatives and by  
23 the minority leader of the house of representatives. Members  
24 of the general assembly shall serve for terms as provided in  
25 section 69.16B and shall be entitled to receive per diem and  
26 necessary travel and actual expenses pursuant to section 2.10,  
27 subsection 5, while carrying out their official duties as  
28 members of the work group.

29 5. The department shall convene the work group by October  
30 1, 2018. The work group shall submit its findings and  
31 recommendations in a final report to the department and the  
32 chairpersons and ranking members of the senate and house  
33 committees on education by December 28, 2018.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1           the explanation's substance by the members of the general assembly.

2       This bill requires the director of the department of  
3 education, subject to an appropriation of funds by the general  
4 assembly, to ensure that each school district has access to  
5 adequate training on conducting investigations of complaints of  
6 incidents of harassment or bullying pursuant to Code section  
7 280.28, the state law relating to school antiharassment and  
8 antibullying policies, by offering such training on an annual  
9 basis to at least one employee per district.

10       The bill requires the department of education, subject to an  
11 appropriation of funds by the general assembly, to establish  
12 a student mentoring pilot program to explore how student  
13 leadership can help prevent bullying and violence in schools.  
14 The program shall promote best practices for bullying and  
15 violence prevention for middle and high school students. The  
16 department must establish the program in at least two middle  
17 schools and two high schools, which shall include both urban  
18 and rural schools. The department must establish criteria  
19 for selection of participating schools and evaluation of the  
20 program.

21       The bill modifies the definition of "electronic" under Code  
22 section 280.28 by adding any other electronic communication  
23 site, device, or means to the definition and by including  
24 social networking sites as part of the term "internet-based  
25 communications".

26       Under Code section 280.28, subsection 2, "harassment" and  
27 "bullying" shall be construed to mean any electronic, written,  
28 verbal, or physical act or conduct toward a student which is  
29 based on any actual or perceived trait or characteristic of  
30 the student and which creates an objectively hostile school  
31 environment that meets one or more of certain conditions. The  
32 bill modifies the definition of "harassment" and "bullying"  
33 under Code section 280.28 by adding behavior or any other  
34 distinguishing characteristic to the definition. The bill  
35 provides that the definition of "harassment" and "bullying" is

1 to be construed broadly to achieve the purposes of the law.

2 The bill requires school antiharassment and antibullying  
3 policies to include a procedure for the notification as soon as  
4 practicable of the parents or guardians of the alleged targeted  
5 students and perpetrators in a reported incident of harassment  
6 or bullying. The procedure must include an exception to the  
7 notification requirement if a school official or a student  
8 whose parent or guardian would otherwise be notified reasonably  
9 believes notification would subject the targeted student to  
10 rejection, abuse, or neglect.

11 The bill grants school officials the authority to  
12 investigate and impose school discipline or take other action  
13 in cases of alleged incidents of harassment or bullying that  
14 occur outside of school, off of school property, or away from  
15 school functions or school-sponsored activities if certain  
16 conditions are met. Those conditions are that an incident of  
17 harassment or bullying is reported pursuant to the school's  
18 antiharassment and antibullying policy; and that the alleged  
19 incident of harassment or bullying has an effect on school  
20 grounds that creates an objectively hostile school environment  
21 that places the student in reasonable fear of harm to the  
22 student's person or property; has a substantially detrimental  
23 effect on the student's physical or mental health; has the  
24 effect of substantially interfering with a student's academic  
25 performance; or has the effect of substantially interfering  
26 with the student's ability to participate in or benefit from  
27 the services, activities, or privileges provided by a school.

28 The bill provides that a school official's investigation  
29 and response to an alleged incident of bullying or harassment  
30 that occurs outside of school, off of school property, or away  
31 from a school function or school-sponsored activity may include  
32 referring the matter to appropriate community-based agencies.

33 The bill provides that Code section 280.28 shall not be  
34 construed to diminish a school administrator's discretion  
35 to impose discipline or take other action in the case of an

1 unfounded incident of harassment or bullying if a student's  
2 behavior otherwise constitutes student misconduct based on  
3 other grounds.

4 The bill requires the department of education to convene  
5 a public-private work group of representatives of state and  
6 local agencies, citizens, community groups, and organizations  
7 who have experience and expertise in the areas of antibullying  
8 education, research, and training. The work group, after  
9 reviewing existing research, data, and strategies, shall  
10 provide recommendations to the department regarding matters  
11 to enhance statewide school climate improvement and bullying  
12 prevention, awareness, and intervention. The bill provides for  
13 membership of the work group to be appointed by the director of  
14 the department. When making appointments to the work group,  
15 the director must ensure that public, nonpublic, urban, and  
16 rural schools are adequately represented by the membership  
17 of the work group. The work group shall also include ex  
18 officio legislative members. The department must convene the  
19 work group by October 1, 2018. The work group must submit  
20 its findings and recommendations in a final report to the  
21 department and the chairpersons and ranking members of the  
22 senate and house committees on education by December 28, 2018.